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LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			SHANG, ANNAN Q	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/051,673	RETO, WETTACH
	Examiner	Art Unit
	Annan Q. Shang	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 August 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 and 7-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 and 7-69 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-16 and 21-27, 36-55 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cooper et al (6,754,904)** in view of **Zenith (6,519,771)**, and further in view of **Abecassis (5,610,653)** and further in view of **Vong et al (6,917,373)**.

As to claims 1-4, note the **Cooper** reference figures 5-7 and 11-12, discloses information network users of television programming viewed by other network users and further discloses a client device, comprising:

A connection interface (Communication Card 'CC' 514) operable to connect to a server (Server 506) over a network (Internet, figs.5 and col.3, line 57-col.4, line 27);

A receiver (Set top box 'STB' 500) operable to receive content data (col.3, line 57-col.4, line 27);

A data storage unit (STB-500 storage unit) operable to store a plurality of icon identification data sets associated with a plurality of icons (one or more graphic images links, banner, etc., col.4, lines 28-49 and TV-enhanced overlays 520, 820, 1110, etc.,) such that given one of the plurality of icon identification data sets is associated with a specific one of the plurality of icons and to store a plurality of passwords associated with

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a plurality of users (family members) of the client device such that a given one of the plurality of users is associated with a particular one of the plurality of passwords (fig.4, 5, 11-12, col.4, lines 22-27, col.5, line 63-col.6, line 5, lines 24-29 and col.7, lines 4-38);

A display unit (TV-502) operable to display a user list identifying the plurality of users of the client device, and when a given one of the plurality of users is selected and verified, to display content based on the received content data, to display a plurality of icon buttons associated with the plurality of icons (figs.4-5 and 11, Buddy List Window with various icons) such that a given one of the plurality of icon buttons represents a particular one of the plurality of icons (col.1, line 44-col.2, line 34), and to display a plurality of representations (CNN, FOX, CBS, Private, Offline, etc.,) associated with a plurality of members of a buddy list associated with that user such that a given one of the plurality of representations associated with a specific one of the plurality of members of the buddy list (Al, Bob, Carol, Rob, Sam, etc.) and includes a portion providing a particular one of a plurality of visual clues which associated with that user and indicates an on-line status of a client device associated with that member, the display unit being operable to display the depiction of the plurality of members of the buddy list in place of the plurality of visual clues (fig.4-5, 11, col.1, line 44-col.2, line 34, col.3, line 56-col.4, line 1+ and col.6, line 40-col.7, line 1+).

A selection unit (User Input Device) operable to receive from a first user a selection of a desired one of the plurality of icons buttons (col.4, lines 22-33, col.5, lines 54-62, col.6, lines 40-57 and col.7, lines 4-59); and

A transmitter (CC-514) operable to transmit a request to the sever (Server 506/1204), the request including a respective one of the plurality of icon identification data sets, the respective one of the plurality of icon identification data sets corresponding to an individual one of the plurality icon buttons, and including a command that the server transmit the respective one of the plurality of icon identification data sets to another client device connect ed to the server (figs.6-7, col.4, line 28-col.5, line 62 and col.7, lines 4-59).

Cooper stores and displays icons, but fails to explicitly teach storing icon identification data sets and where the transmitted request to another client device via the server includes icon identification data set that corresponds to the icon represented by the selected icon button and verified a selected user(s)

However, note the **Zenith** reference figures 1 and 4-7, discloses system for interactive chat without a keyboard where a client devices stores selectable icon identification data sets, for various communications such as: responses to a comment, displays a result of responses or answers, advertisements, etc., where the icons are transmitted over a network (Internet) via a server, and superimposed on the content at other clients and enables communications between clients via the server without the use of a keyboard and further transmits voice or video messages (col.5, lines 21-52, col.6, lines 4-45, line 64-col.7, line 27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Zenith into the system of Cooper in order to enable a user to participate in a chat by using a pointing device, to interact to icons or

objects on the display interface to communicate messages to other clients, instead of a keyboard.

Cooper as modified by Zenith fail to explicitly teach where the client device verifies that the user-entered password corresponds to a particular one of the plurality of passwords that is associated with a given one of the plurality of users.

However, note the **Abecassis** teaches systems and methods for automatically customizing a viewer-selected video responsive to the application of the viewer's video content preferences to a segment and further teaches where a client device of a plurality of users, verifies a user-entered password corresponds to a particular one of the plurality of passwords that is associated with a given one of the plurality of users, before customizing content to the specific user of the client device (fig.7-9, col.27, line 28-col.28, line 30).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Abecassis into the system of Copper as modified by Zenith to provide additional security to the system and further accurately determine each respective user of the client device.

Cooper as modified by Zenith and Abecassis, fail to explicitly where the display unit displays the portion providing the particular one of the plurality of visual clues in place of the given one of the plurality of representations in its entirety.

However, **Vong** discloses context sensitive labels for electronic device and further disclose providing different viewable states (flashing or blinking) of various icons

and buttons by providing different look to the entire icon(s) (abstract, figs.4-13, col.3, line 53-col.4, line 27 and col.8, line 25-col.9, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Vong into the system of Cooper as modified by Zenith and Abecassis to visually communicate messages to the user and in addition to draw the attention of the user to interact to these visual changes.

Claims 7-11 are met as previously discussed with respect to claim 1-4.

Claims 12-16 are met as previously discussed with respect to claim 1-4.

Claims 21-23 are met as previously discussed with respect to claim 1-4.

As to claims 24-27, note the **Cooper** reference figures 5-7 and 11-12, discloses information network users of television programming viewed by other network users and further discloses a method of interactive television communication between a plurality of client devices each of which is connected to a server through a network, comprising:

(Server 506/1204) Receiving over the network from each one of a plurality of client devices (Set top box 'STB' 500) information of a television viewing status of that client device (figs.5-7, 11, 12, col.3, line 56-col.4, line 27 and col.6, lines 24-57);

(Server 506/1204) Preparing a buddy list associated with a given one of a plurality of users of a given one of the plurality of client devices, the buddy list having a plurality of members whereby a given one of the plurality of members is associated with a particular one of the plurality of client devices, the buddy list including the information on the television viewing status of each one of the associated client devices (fig.11, col.6, lines 14-17, lines 40-57 and col.7, lines 4-28);

(Server 506/1204) Sending the information on the television viewing status of the associated client devices over the network to the given one of the plurality of client devices so that a display unit of the given one of the plurality of client devices displays a plurality of representations (CNN, FOX, etc.,) such that a given one of the plurality of representation is associated with a specific one of the plurality of members (Al, Bob, etc.,) and includes a portion providing a particular one of a plurality of visual clues of the buddy list and indicates the on-line status of the client device associated with that member, the plurality of visual clues being smaller than a depiction of the plurality of members of the buddy list that displays unit may display in place of the plurality of visual clues (col.6, line 40-col.7, line 47);

Cooper further teaches receiving over the network from the given one of the plurality of client devices, a request to execute a message to a particular client device in the buddy list and sends the message including identification data corresponding to the desired message to the particular client device on the buddy list (col.7, lines 4-59) and further teaches clients exchanging messages to enable clients to tune to the same program on different station depending on geographical locations (one or more graphic images, figs.5-6 and col.4, line 28-col.5, line 62).

Cooper fails to explicitly teach sending icons identification data corresponding to a desired one of the plurality of icons over the network to a particular client device in the buddy list.

However, note the **Zenith** reference figures 1 and 4-7, discloses system for interactive chat without a keyboard where a client devices stores selectable icon

identification data sets, for various communications such as: responses to a comment, displays a result of responses or answers, advertisements, etc., where the icons are transmitted over a network (Internet) via a server, and superimposed on the content at other clients and enables communications between clients via the server without the use of a keyboard and further transmits voice or video messages (col.5, lines 21-52, col.6, lines 4-45, line 64-col.7, line 27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Zenith into the system of Cooper in order to enable a user to participate in a chat by using a pointing device, to interact to icons or objects on the display interface to communicate messages to other clients, instead of a keyboard.

Cooper as modified by Zenith fail to explicitly teach where the client device verifies that the user-entered password corresponds to a particular one of the plurality of passwords that is associated with a given one of the plurality of users.

However, note the **Abecassis** teaches systems and methods for automatically customizing a viewer-selected video responsive to the application of the viewer's video content preferences to a segment and further teaches where a client device of a plurality of users, verifies a user-entered password corresponds to a particular one of the plurality of passwords that is associated with a given one of the plurality of users, before customizing content to the specific user of the client device (fig.7-9, col.27, line 28-col.28, line 30).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Abecassis into the system of Copper as modified by Zenith to provide additional security to the system and further accurately determine each respective user of the client device.

Cooper as modified by Zenith and Abecassis, fail to explicitly where the display unit displays the portion providing the particular one of the plurality of visual clues in place of the given one of the plurality of representations in its entirety.

However, **Vong** discloses context sensitive labels for electronic device and further disclose providing different viewable states (flashing or blinking) of various icons and buttons by providing different look to the entire icon(s) (abstract, figs.4-13, col.3, line 53-col.4, line 27 and col.8, line 25-col.9, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Vong into the system of Cooper as modified by Zenith and Abecassis to visually communicate messages to the user and in addition to draw the attention of the user to interact to these visual changes.

Claims 36-37 are met as previously discussed with respect to claims 24-27.

As to claim 38, Cooper further discloses where the information on the TV viewing status includes information indicating which of the client devices in the buddy list are displaying the same TV programs (col.4, line 28-col.5, line 1+ and col.7, lines 4-59).

Claims 39-41 are met as previously discussed with respect to claims 24-27.

Claims 42-49 are met as previously discussed with respect to claims 24-27.

As to claims 50-56, note the **Cooper** reference figures 5-7 and 11-12, discloses information network users of television programming viewed by other network users and further discloses a method of interactive television communication between a plurality of client devices connected to a server over a network, the method comprising:

Receiving, at the given one of the plurality of client devices (Set top box 'STB' 500) content data at a given one of the plurality of client devices (fig.5-6 and col.3, line 57-col.4, line 27);

Displaying, at the given one of the plurality of client devices, a user list identifying a plurality of users of that client device (figs.4-5 and 11)

Displaying (TV-502) the content based on the received content data at the given one of the plurality of client devices; displaying, at the given one of the plurality of client devices, a plurality of icon buttons (one or more graphic images, col.4, lines 28-49 and TV-enhanced overlays 520, 820, 1110, etc.,) each representing a different icon (col. 7, lines 4-38); selecting one of the icon buttons representing a desired icon (col.4, lines 22-33, col.5, lines 54-62, col.6, lines 40-57 and col.7, lines 4-59);

Displaying, at a given one of the plurality of client devices, a plurality of representations (CNN, FOX, CBS, Private, Offline, etc.,), associated with a plurality of members of a buddy list associated with that user such that a given one of the plurality of representation is associated with a specific one of the plurality of members of the buddy list (Al. Bob, Carol, Rob, Sam, etc.) and includes a portion providing a particular one of a plurality of visual clues which indicates an on-line status of a client device associated with that member, the display unit being operable to display the depiction of

the plurality of members of the buddy list in place of the plurality of visual clues (fig.4-5, 11, col.1, line 44-col.2, line 34, col.3, line 56-col.4, line 1+ and col.6, line 40-col.7, line 1+).

Selecting, at the given one of the plurality of client devices, a desired one of the plurality of icon buttons, selecting, at the given one of the plurality of client devices, another one of the plurality of client devices (col.1, line 44-col.2, line 34 and col.6, line 40-col.7, line 1+).

Sending, from the given one of the plurality of client devices to the server, a request including an instruction that the desired one of the icons be executed at the another one of the plurality of client devices; and sending icon identification data corresponding to the desired icon over the network to the another one of the client devices; receiving the icon identification data at the another one of the client device; and executing the desired icon at the another one of the client devices based on the icon identification data (col.1, line 44-col.2, line 34, col.4, line 28-col.5, line 62 and col.7, lines 4-59).

Cooper fails to explicitly teach sending icon identification data corresponding to a desired icon over the network to another one of the client devices and executing the desired icon at another one of the client device.

However, note the **Zenith** reference figures 1 and 4-7, discloses system for interactive chat without a keyboard where a client devices stores selectable icon identification data sets, for various communications such as: responses to a comment, displays a result of responses or answers, advertisements, etc., where the icons are

transmitted over a network (Internet) via a server, and superimposed on the content at other clients and enables communications between clients via the server without the use of a keyboard and further transmits voice or video messages (col.5, lines 21-52, col.6, lines 4-45, line 64-col.7, line 27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Zenith into the system of Cooper in order to enable a user to participate in a chat by using a pointing device, to interact to icons or objects on the display interface to communicate messages to other clients, instead of a keyboard.

Cooper as modified by Zenith fail to explicitly teach where the client device verifies that the user-entered password corresponds to a particular one of the plurality of passwords that is associated with a given one of the plurality of users.

However, note the **Abecassis** teaches systems and methods for automatically customizing a viewer-selected video responsive to the application of the viewer's video content preferences to a segment and further teaches where a client device of a plurality of users, verifies a user-entered password corresponds to a particular one of the plurality of passwords that is associated with a given one of the plurality of users, before customizing content to the specific user of the client device (fig.7-9, col.27, line 28-col.28, line 30).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Abecassis into the system of Copper as

modified by Zenith to provide additional security to the system and further accurately determine each respective user of the client device.

Cooper as modified by Zenith and Abecassis, fail to explicitly where the display unit displays the portion providing the particular one of the plurality of visual clues in place of the given one of the plurality of representations in its entirety.

However, **Vong** discloses context sensitive labels for electronic device and further disclose providing different viewable states (flashing or blinking) of various icons and buttons by providing different look to the entire icon(s) (abstract, figs.4-13, col.3, line 53-col.4, line 27 and col.8, line 25-col.9, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Vong into the system of Cooper as modified by Zenith and Abecassis to visually communicate messages to the user and in addition to draw the attention of the user to interact to these visual changes.

Claims 67-69 are met as previously discussed with respect to claims 50-56.

3. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cooper et al (6,754,904)** in view of **Zenith (6,519,771)**, and further in view of **Abecassis (5,610,653)** and further in view of **Vong et al (6,917,373)** as applied to claims 15, above, and further in view of **DeWeese et al (2005/0262542)**.

As to claims 17-20, Cooper teaches providing EPG to the STB from the Internet server using the STB billing address (col.5, lines 28-33), but the combined references, fail to explicitly teach where the content is pay content, PPV, VOD, discounting fees for

the pay content, providing incentive points, receiving agreement to pay information from a particular client device.

However, note the **DeWeese** reference figures 1-3, discloses a TV chat system which includes pay content, such as PPV and other payment content (page 3, [0051] and [0076]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of DeWeese into the system of Cooper as modified by Zenith, Abecassis and Vong to provide various billing and payment services to enable users to choose services that meet their needs and further to enable the service provider to provide services, on payment bases to generate income.

4. Claims 28-35 and 57-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cooper et al (6,754,904)** in view of **Zenith (6,519,771)**, and further in view of **Abecassis (5,610,653)** and further in view of **Vong et al (6,917,373)** as applied to claims 25 and 55 above, and further in view of **DeWeese et al (2005/0262542)**.

As to claims 28-35, Cooper teaches providing EPG to the STB from the Internet server using the STB billing address (col.5, lines 28-33, Cooper as modified by Zenith, Abecassis and Vong, fail to explicitly teach where the content is pay content, PPV, VOD, discounting fees for the pay content, providing incentive points, receiving agreement to pay information from a particular client device.

However, note the **DeWeese** reference figures 1-3, discloses a TV chat system which includes pay content, such as PPV and other payment content (page 3, [0051] and [0076]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of DeWeese into the system of Cooper as modified by Zenith, Abecassis and Vong to provide various billing and payment services to enable users to choose services that meet their needs and further to enable the service provider to provide services, on payment bases to generate income.

Claims 57-66 are met as previously discussed with respect to claims 28-35

Response to Arguments

5. Applicant's arguments with respect to claims 1-4 and 7-69 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the new ground(s) of rejection discussed above. **This office action is made final.**

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nickum (6,721,954) discloses personal preferred viewing using EPG.

Harada et al (6,434,604) disclose chat system allows user to select balloon form and background color for displaying chat statement data.

Smolen (5,915,243) disclose method and apparatus for delivering consumer promotions.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone

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number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



Annan Q. Shang